

Resolution on the Renewal of the Mandate of the Support Group to the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa for the Promotion and Monitoring - ACHPR/Res.547 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 73rd Ordinary Session, held from 20 October to 9 November 2022:

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter) and Rule 3 of its Rules of Procedure of 2020;

Considering its resolutions ACHPR/69(XXXV)04 on the protection of human rights defenders in Africa; ACHPR/Res.119(XXXII)07, ACHPR/Res.196(L)11, ACHPR/Res.125(XXXII)07, ACHPR/Res.248(LIV)13, ACHPR/Res.273(LV)14, ACHPR/Res.345(LVIII)2016 and ACHPR/Res.376(LX)2017 on the mandate and situation of human rights defenders in Africa;

Recalling its Resolutions ACHPR/Res.151 (XLVI) 09 and ACHPR/Res.186 (XLIX) 11 on the need for a study on freedom of association and assembly in Africa and the appointment of members of the study group on freedom of association and assembly and ACHPR/Res.319 (LVII) 15 on the development of guidelines on freedom of association and assembly in Africa;

Recalling also its Resolutions ACHPR/Res.406 (LXIII) 18 and ACHPR/Res.471 (LXVII) 2020 on the establishment of a support group for the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa for the promotion and monitoring of the effective implementation of the Guidelines on Freedom of Association and Assembly in Africa and the renewal of his mandate;

Concerned about the continuation of numerous restrictive measures imposed by governments under the pretext of containing and halting the COVID-19 pandemic without regard to their negative impact on the rights to freedom of peaceful assembly and association, and on civic space and participation in the conduct of public affairs, as well as the abuse and misuse of public health emergency measures to silence dissent in many countries;

Concerned also about the continuing restrictive and progressive trend in civic space, the adoption/revision by some states of laws and regulations that severely restrict the exercise of the right to freedom of association and assembly by human rights defenders and civil society organizations, and that undermine the citizens' enjoyment of the right to freedom of association, assembly, and expression in physical and online spaces, and in elections;

Stressing the importance of freedom of association and assembly in the work of the Commission and the effective implementation of the African Union's Agenda 2063;

Taking into account the adoption by the United Nations Human Rights Committee of General Comment No. 37 on Article 21 on freedom of peaceful assembly, as well as the Joint Declaration on the Right to Freedom of Peaceful Assembly and Democratic Governance of the United Nations, Inter-American and African Mechanisms, and the Democratic and Human Rights Institutions of the Organization for Security and Co-operation in Europe (OSCE) of 10 December

2020, which reinforces the African Commission Guidelines;

Stressing the need to assist States in the effective implementation of the Guidelines;

Bearing in mind the importance of the Commission's monitoring of the implementation of the various instruments it develops as well as the difficulties inherent in the limited means at its disposal to carry out this mission;

Aware of the role of National Human Rights Institutions as local partners in the dissemination, promotion and monitoring of the implementation of the instruments developed and adopted by the Commission;

Emphasizing the valuable contribution and support by non-governmental organizations and National Human Rights Institutions in the African human rights architecture and in support of the Commission's mandate; in particular, in documenting, monitoring and following up on the commitments of States Parties regarding the implementation of the various instruments to which they are parties;

Considering the expiry of the Support Group's mandate and the need to allow it to ensure the promotion and effective implementation of the Guidelines for the Effective Protection and Respect of the Freedoms of Association and Assembly post-Covid 19;

Taking into account the suspension of activities during the 2019-2022 period due to the Covid 19 pandemic, which did not allow the Group to function normally;

Also taking into account the resolutions adopted by the Group on 19 October 2022 in Banjul, The Gambia, on the sidelines of the 73rd Ordinary Session, requesting a report on the status of the restriction of civic space (freedom of assembly and association) in the States Parties after Covid-19, and the action plan formulated to this end;

The Commission decides to:

1. Renew for a two-year (2) period, the mandate of the Support Group to the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, for the promotion and monitoring of the effective implementation of the Guidelines on Freedom of Association and Assembly in Africa.

2. Reappoint the following organizations as members of the group, for the same period:

- i. Center for Not-for-Profit Law (ICNL);
- ii. West African Human Rights Defenders Network (WAHRDN);
- iii. International Service for Human Rights (ISHR);
- iv. Institute for Human Rights and Development in Africa (IHRDA);
- v. East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net);
- vi. African Centre for Democracy and Human Rights Studies (ACDHRS);
- vii. Defenders Network for Central Africa (REDHAC);
- viii. Human Rights Institute of South Africa (HURISA);
- ix. Network of National Human Rights Institutions (RINADH);
- x. Southern Africa Human Rights Defenders Network (SAHRDN)
- xi. North African Human Rights Defenders Network (NAHRDN)

3. Appoint, for the same period, the Network of Portuguese-speaking Human Rights Defenders.

Done in Banjul, The Gambia, on 9 November 2022